

27 APR 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI OH 45202

In re Application of	:	
REINEKE, Theresa, et al.	:	
Application No.: 10/596,520	:	DECISION
PCT No.: PCT/US2004/042949	:	
Int. Filing Date: 20 December 2004	:	ON REQUEST UNDER
Priority Date: 19 December 2003	:	
Attorney's Docket No.: 10738-97	:	37 CFR 1.497(d)
For: POLYAMIDES AND POLYAMIDE	:	
COMPLEXES AND METHOD OF USE:	:	

This decision is in response to applicants' renewed request under 37 CFR 1.497(d) and petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 16 December 2008 and 30 December 2008 respectively.

BACKGROUND

On 19 November 2008, the Office mailed Decision On Request Under 37 CFR 1.497(d) dismissing applicants' request under 37 CFR 1.497(d) and noting that the application was abandoned for failure to submit a sequence listing in computer readable format in compliance with the rules within the required time period.

On 16 December 2008, applicant filed a request under 37 CFR 1.497(d).

On 30 December 2008, applicant filed a petition to withdraw the holding of abandonment for failure to submit a compliant sequence listing in computer readable format.

DISCUSSION

Applicants file this request to Walter Keith Jones, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously satisfied. Applicants provided a statement by Walter Keith Jones and the processing fee.

Item (3) has now been satisfied.

Further, the sequence listing previously furnished by applicants has now been entered. As the sequence listing supplied in timely response to the Notification of Defective Response has now been entered, this application is not abandoned. The prior holding of abandonment is withdrawn.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

The holding of abandonment in the 19 November 2008 decision is **VACATED**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459